STATE OF MICHIGAN

COURT OF APPEALS

REBECCA JANE LIPTOW, as Personal Representative of the ESTATE OF JELINDA JOANNE BURNETTE-LIPTOW,

Plaintiff-Appellee,

and

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH,

Intervening Plaintiff/Appellee,

v

STATE FARM MUTUAL AUTO INSURANCE COMPANY,

Defendant-Appellant.

FOR PUBLICATION
October 24, 2006
9:10 a.m.

No. 260562
Wayne Circuit Court
LC No. 03-301611-CK

Official Reported Version

Before: Fitzgerald, P.J., and Markey and Talbot, JJ.

FITZGERALD, P.J. (*concurring*).

In my concurring opinion in *Cameron v Auto Club Ins Ass'n*, 263 Mich App 95, 103-104; 687 NW2d 354 (2004), aff'd in part and vacated in part, 476 Mich 55 (2006), I concurred with the majority's conclusion that, since the effective date of the 1993 amendment of MCL 600.5851(1), the plain language of the general saving provision does not apply to actions commenced under the no-fault act. However, I stated:

> I do not believe that the Legislature intended this result and, therefore, I urge the Legislature to amend § 5851(1). Minors or insane persons are under the same disability whether their actions are under the RJA or the no-fault act. "[T]he defendant in one case is generally in no greater need than the defendant in the other of protection from delay in commencement of the action." See *Lambert v Calhoun*, 394 Mich 179, 190-191; 229 NW2d 332 (1975). [*Cameron*, *supra* at 104 (Fitzgerald P.J., concurring)].

I continue to adhere to this position.

/s/ E. Thomas Fitzgerald